

REMARKS

The claims in this application have been revised to combine some claims, clarify some of the claims and presented new claims based on the previously presented claims. In addition, it has been noted that the characterization of the writing member as being "substantially flat" was an unnecessary limitation and that limitation has been eliminated from the claims. In revising these claims, the connection of claim 9 has been specified as fixed and antecedent basis for "the enclosure" in claim 15 has been provided. In light of these amendments, it is respectfully submitted that the rejection under 35 U.S.C. 112 can be withdrawn.

The rejection of original claims 1-4, 8, 9, 11, 13, 15, 21 and 22 under 35 U.S.C. 102 as anticipated by Dopp is respectfully traversed. It is respectfully submitted that the claims as amended are not anticipated by this patent.

Dopp relates to a combination of a bookmark and writing instrument. The combination constitutes a flat bookmark which includes a tab 24 which can be folded over the edge of a page to secure the card in place. Centrally located in the card is a cutout 16 designed to accommodate a writing instrument 20 which can be inserted into the cutout section and held in place. As will be appreciated, each "side" of the card is directly connected to the adjacent sides to complete a unitary body and thereby encase the entire writing instrument including its writing tip. In contrast, the clamping device of the present invention is not composed of sides which are connected so as to completely surround the writing member. This feature is also unobvious since the complete surrounding in Dopp is required or else the writing member could be very easily detached or fall out of the card.

It is also respectfully submitted that the rejection of original claims 1, 5-7, 10, 16, 20 and 23-25 under 35 U.S.C. 103 over Chu in view of Montan can be withdrawn. Claim 1 as amended includes previous claim 4 which was not subject to this rejection and therefore the rejection is clearly not applicable to the claims after amendment.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: March 23, 2009

Respectfully submitted,

By 
Edward A. Meilman

Registration No.: 24,735
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicant